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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,927	08/26/2003	David E. Mouton	A03138US (52004.5)	2431

22920 7590 07/14/2005

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EXAMINER

WALKER, ZAKIYA NICOLE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,927

Applicant(s)

MOUTON, DAVID E.

Examiner

Zakiya N. Walker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 and 31-35 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 10-15, 21-23, 26 and 28 is/are rejected.
- 7) ☒ Claim(s) 3, 9, 16, 24, 25, 27, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11242003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the term "means" is stated in line 10. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claims 5, 7-14, 17, 19, 20, 22-30 are objected to because of the following informalities:

Claim 5, line 3, the term --, which-- should be inserted after "manner" for clarity purposes.

Claim 7, line 4, the term "the stuck tool" lacks antecedent basis. Further, in line 15, the term "lodged" should be replaced with --stuck-- in order to provide consistent terminology throughout the claim.

Claim 12, line 9, the term "the lodged tool" lacks antecedent basis. Further I line 9, the period (.) should be replaced with a semicolon (;). Further, in line 20, the term "the

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stuck tool" lacks antecedent basis. A single term (lodged or stuck) should be chosen to be used through the claim for consistency purposes, not both terms.

Claim 17, line 15, the term "the lodged tool" lacks antecedent basis.

Claims 19 and 20, the terms "psi" [4 occurrences total] should be replaced with the term --pressure-- for clarity purposes.

Claim 22, line 10, the term "the lodged tool" lacks antecedent basis.

Claim 23, lines 5 and 6, the terms "the pipe string" and "the tool" lack antecedent basis.

Claim 24, line 1, the term "herein" should be replaced with --wherein--. In line 3, the term "the rod" lacks antecedent basis.

Claim 26, lines 5, 6, 17, the terms "the pipe string", "the stuck tool," and "the lodged tool" lack antecedent basis. A single term (lodged or stuck) should be chosen to be used through the claim for consistency purposes, not both terms.

Claim 29, line 3, the term "the rod" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 2, 4-8, 10-15, 21-23, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Chancey et al.

Chancey et al. discloses, with respect to claim 1, a jarring apparatus that multiplies tension to provide greater overpull, the apparatus comprising: a. an outer tube 12; b. an inner tube 10 moveable within the outer tube, attached at a first upper end to the pipe string, and to the tool on its lower end; c. a first energizing fluid compressible within a space 14, 17 between the outer and inner tubes when the inner tube is raised to a first up cocked position; and d. differential surface areas (between 15 and 20) within the space containing the first fluid for multiplying the upward force against the tool upon expansion of the compressed fluid. With respect to depending claims 2 and 4-6, the reference teaches the limitations as claimed. With respect to claim 7, the reference discloses a jarring apparatus comprising: a. a first tube 12; b. a second tube 10 moveable within the first tube and attached to the stuck tool; c. a compressible fluid housed within a chamber 14, 17 between the first and second tubes; d. means for moving the second tube in relation to the first tube so that the compressible fluid is compressed within the apparatus in an energized position; e. means for allowing the compressed fluid within the apparatus chamber to expand for providing a jarring contact between the first and second tubes; f. differential surface areas (between 15 and 20) within the chamber between the first and second tubes for multiplying the upward force against the lodged tool upon expansion of the compressed fluid. With respect to depending claims 8, 10, and 11, the reference teaches the limitations as claimed, including upper spline 32, anvil 34, and hammer 22. With respect to claim 12, the

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reference discloses a jarring method that multiplies tension to provide greater overpull, the method comprising the following steps: providing first tube attached lower tool; b. providing a second tube as an outer tube, having fluid space between the tubes, for defining differential areas within the space between the first and second tubes for multiplying the upward force against the lodged tool; c. providing a compressible fluid within the fluid space; d. moving the first tube so that fluid is compressed within fluid space to define an energized position; e. allowing the second tube to move in relation to the first tube so that the compressed fluid is allowed to expand; f. jarring the first tube against the second tube as result of the expanding fluid to provide a jarring effect to the stuck tool. With respect to depending claims 13 and 14, the reference teaches the limitations as claimed. With respect to claim 15, the reference discloses a process for multiplying the force against an object, comprising the following steps: providing a compressive inner tube; compressing a fluid by upward pull on the inner tube by a long stroke acting on a first piston area; and allowing the fluid to expand against a second piston area over a relatively short stroke, wherein upon expansion of the fluid the upward force is multiplied by a factor of 1.2 to 15 as a jarring force. With respect to claim 21, the reference discloses a jarring apparatus attachable to a lodged tool within in a borehole, the apparatus comprising: a. a body, having a first piston portion P and a second internal shaft portion within the body, and defining chambers 14, 17 therein; b. compressible fluid within the chambers for being selectively compressed as to allow the apparatus to impart upward or downward jarring force against the lodged tool; and hydrostatic pressure within the borehole imparting additional force when the apparatus

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imparts downward jarring force within the borehole. With respect to claim 22, the reference discloses a method of jarring a tool within a borehole, comprising the steps of:

- a. providing tool within the borehole, having body, which includes a first piston portion and second internal shaft portion, and defining chambers therein; delivering compressible fluid into each of the chambers; compressing the fluid in one chamber to overcome the compressive force in second chamber for imparting upward or downward jarring force against the lodged tool when the compressed force is released; and d. combining hydrostatic pressure within the borehole with the released compressive to impart additional force when the apparatus imparts downward jarring force within the borehole.

With respect to claim 23, the reference discloses a jarring apparatus that multiplies tension provide greater overpull, the apparatus comprising:

- a. an outer tube 12;
- b. an inner tube 10 moveable within the outer tube, attached at first upper end to the pipe string, and to the tool on its lower end;
- c. a first incompressible fluid within space between the outer and inner tubes when the inner tube is raised to a first up cocked position;
- d. a spring means 19, 21 positioned in the apparatus to energize the tool as the fluid is pressurized within space between the outer and inner tubes; and e. differential surface areas related to the fluid and spring for multiplying the upward force against the tool upon expansion of the compressed fluid and release of the spring means.

With respect to claim 26, the reference discloses a jarring apparatus that multiplies tension to provide greater overpull, the apparatus comprising:

- a. an outer tube 12;
- b. an inner tube 10 moveable within the outer tube, attached at a first upper end to the pipe string, and to the stuck tool on its lower end;
- c. a first incompressible fluid

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within a space between the outer and inner tubes when the inner tube is raised to a first up cocked position; d. a spring means 19, 21 positioned in the apparatus to energize the tool as the fluid is pressurized within the space between the outer and inner tubes; and e. means for releasing the inner tube from the cocked position to a firing position. e. differential surface areas related to the fluid and spring for multiplying the upward force against the lodged tool upon release of the spring means. With respect to depending claim 28, the reference teaches the limitation as claimed.

6. Claims 1, 2, 4-8, 10-12, 14, 15, 21-23, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans'183.

Evans'183 discloses, with respect to claim 1, a jarring apparatus that multiplies tension to provide greater overpull, the apparatus comprising: a. an outer tube 50; b. an inner tube 2 moveable within the outer tube, attached at a first upper end to the pipe string, and to the tool on its lower end; c. a first energizing fluid compressible within a space 15 between the outer and inner tubes when the inner tube is raised to a first up cocked position; and d. differential surface areas 15, 25 within the space containing the first fluid for multiplying the upward force against the tool upon expansion of the compressed fluid. With respect to depending claims 2 and 4-6, the reference teaches the limitations as claimed. With respect to claim 7, the reference discloses a jarring apparatus comprising: a. a first tube 50; b. a second tube 2 moveable within the first tube and attached to the stuck tool; c. a compressible fluid housed within a chamber 15 between the first and second tubes; d. means for moving the second tube in relation to the first tube so that the compressible fluid is compressed within the apparatus in an

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energized position; e. means for allowing the compressed fluid within the apparatus chamber to expand for providing a jarring contact between the first and second tubes; f. differential surface areas 15, 25 within the chamber between the first and second tubes for multiplying the upward force against the lodged tool upon expansion of the compressed fluid. With respect to depending claims 8, 10, and 11, the reference teaches the limitations as claimed, including anvil/metering sub 6, hammer 8, multiplier sub 34, and upper spline (on 2). With respect to claim 12, the reference discloses a jarring method that multiplies tension to provide greater overpull, the method comprising the following steps: providing first tube attached lower tool; b. providing a second tube as an outer tube, having fluid space between the tubes, for defining differential areas within the space between the first and second tubes for multiplying the upward force against the lodged tool; c. providing a compressible fluid within the fluid space; d. moving the first tube so that fluid is compressed within fluid space to define an energized position; e. allowing the second tube to move in relation to the first tube so that the compressed fluid is allowed to expand; f. jarring the first tube against the second tube as result of the expanding fluid to provide a jarring effect to the stuck tool. With respect to depending claim 14, the reference teaches the limitation as claimed. With respect to claim 15, the reference discloses a process for multiplying the force against an object, comprising the following steps: providing a compressive inner tube; compressing a fluid by upward pull on the inner tube by a long stroke acting on a first piston area; and allowing the fluid to expand against a second piston area over a relatively short stroke, wherein upon expansion of the fluid the upward force is multiplied

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by a factor of 1.2 to 15 as a jarring force. With respect to claim 21, the reference discloses a jarring apparatus attachable to a lodged tool within in a borehole, the apparatus comprising: a. a body, having a first piston portion 16, 24 and a second internal shaft portion 22 within the body, and defining chambers therein; b. compressible fluid within the chambers for being selectively compressed as to allow the apparatus to impart upward or downward jarring force against the lodged tool; and hydrostatic pressure within the borehole imparting additional force when the apparatus imparts downward jarring force within the borehole. With respect to claim 22, the reference discloses a method of jarring a tool within a borehole, comprising the steps of: a. providing tool within the borehole, having body, which includes a first piston portion and second internal shaft portion, and defining chambers therein; delivering compressible fluid into each of the chambers; compressing the fluid in one chamber to overcome the compressive force in second chamber for imparting upward or downward jarring force against the lodged tool when the compressed force is released; and d. combining hydrostatic pressure within the borehole with the released compressive to impart additional force when the apparatus imparts downward jarring force within the borehole. With respect to claim 23, the reference discloses a jarring apparatus that multiplies tension provide greater overpull, the apparatus comprising: a. an outer tube 50; b. an inner tube 2 moveable within the outer tube, attached at first upper end to the pipe string, and to the tool on its lower end; first incompressible fluid within space between the outer and inner tubes when the inner tube is raised to a first up cocked position; d. a spring means 14 positioned in the apparatus to energize the tool as the fluid is

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pressurized within space between the outer and inner tubes; and e. differential surface areas related to the fluid and spring for multiplying the upward force against the tool upon expansion of the compressed fluid and release of the spring means. With respect to claim 26, the reference discloses a jarring apparatus that multiplies tension to provide greater overpull, the apparatus comprising: a. an outer tube 50; b. an inner tube 2 moveable within the outer tube, attached at a first upper end to the pipe string, and to the stuck tool on its lower end; c. a first incompressible fluid within a space between the outer and inner tubes when the inner tube is raised to a first up cocked position; d. a spring means 14 positioned in the apparatus to energize the tool as the fluid is pressurized within the space between the outer and inner tubes; and e. means for releasing the inner tube from the cocked position to a firing position. e. differential surface areas related to the fluid and spring for multiplying the upward force against the lodged tool upon release of the spring means. With respect to depending claim 28, the reference teaches the limitation as claimed.

Allowable Subject Matter

7. Claims 3, 9, 16, 24, 25, 27, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 17-20 and 31-35 are allowed over prior art. Claims 17, 19, and 20 must correct the claim objections pointed out in paragraph 3 above in order to be allowed.

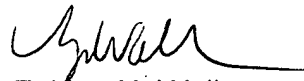
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Zakiya N. Walker
Primary Examiner
Art Unit 3676

ZW
July 11, 2005